IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11084 of 2004

Between:

Boyapati Srinivasa Appa Rao, S/o. Late Sivaramakrishnaiah
R/o. Mogulrajapuram, Vijayawada.

..... PETITIONER

AND

1 Govt. of A.P., rep. by its Secretary, Revenue Department, Secretariat, Hyderabad.
2 The Special Officer & Competent Authority, Urban Land Ceiling, Vijayawada, Krishna District.
3 Chief Commissioner, Land Administration, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue any appropriate Writ, order or direction preferably a Writ in the nature of Writ of Mandamus, declaring the Final Notice dt. 10-6-2004 issued by the 2nd respondent in Proceedings Rc.C.C. No. B4. 2270/76 as being illegal, arbitrary, without the particulars of enquiry, violative of Articles 14 and 300-A of the Constitution of India as well as being contrary to the Judgement of this Hon'ble Court in W.P.No. 12132IIIIII of 1993 dt. 4-3-2004 and consequently set aside the aforesaid Final Notice with a further direction to the 2nd respondent herein to revise the extent of holding of the petitioner in proceedings C.C.No. 2270/1976

For the Petitioner:MR.P.VENUGOPAL - ADVOCATE

For the Respondent No.: GP FOR REVENUE – G.P. for Revenue

The Court at the stage of admission made the Following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.11084 OF 2004

ORDER:

This writ petition is filed challenging the final notice dated 10.6.2004 of second respondent in proceedings Rc.C.C.No.2270/76, and also seeking a direction to second respondent to revise the extent of holding of the petitioner.

The case of the petitioner in brief is that he own some landed property within the Vijayawada urban area, and he is also Managing Partner of two firms viz., M/s.Sivaramakrishna Industries and M/s.Blue Moon Electricals, which also possess landed property within the Vijayawada urban limits. The petitioner in his individual capacity and on behalf of two firms filed declarations under Urban Land (Ceiling & Regulation) Act, 1976 before the second respondent herein. In the said declaration, the lands in Survey Nos.153/6, 154/4, 155/3, 155/4 and 161/1 were shown both in the individual declaration of the petitioner as well as in the declarations filed on behalf of firms. In that regard a writ petition was filed by one of the firms i.e. M/s.Sivaramakrishna Industries in W.P.No.12132 of 1993 wherein this Court by an order dated 4.3.2004 remanded the matter to the Special Officer/second respondent for fresh determination. The operative portion of the said order, reads as under:

> "For the above said reasons, the writpetition is allowed by setting aside the impugned order in Appeal No.AUC2/5480/80 dated 12-2-1993 of the first respondent confirming the order passed in C.C.No.0.2271/76 dated 22-9-1980 of the second respondent and the matter is remanded to the second respondent to hear the matter afresh in accordance with law, after affording opportunity to the

petitioner and pass appropriate orders within a period of three months from the date of receipt of a copy of this Court. No costs."

Pursuant thereto, since the declaration of M/s.Sivaramakrishna Industries and his individual declaration are interlinked, the petitioner herein filed an application for revision of his individual declaration also. Thereafter, the second respondent passed the impugned order directing the petitioner to appear for enquiry before him on 15-6-2004 along with documentary evidence. Apprehending that the respondents may issue final orders under section 10(3) of the Act, the present writ petition is filed.

Learned counsel for petitioner submitted that after disposal of the above writ petition, the second respondent without considering the material before him and without affording reasonable opportunity has issued the impugned notice, and the same is illegal and liable to be set aside.

I am unable to accept such a contention, for the reason that pursuant to directions issued by this Court in W.P.12132 of 1993 dated 4-3-2004, the impugned order is passed calling upon the petitioner to appear in person or through an Advocate, together with documentary evidence in support of his claim. Thus, by no stretch of imagination, it cannot be said that the petitioner was not afforded any opportunity. The impugned order is in the form of a show cause notice, whereby the petitioner was called upon to produce the material in support of his claim, and the same cannot be said to be illegal.

In the circumstances, the writ petition fails and the same is dismissed. However, the petitioner is at liberty to submit his explanation and material in support of his claim before the second respondent. Upon filing such an explanation, the respondent authority is at liberty to consider and dispose of the same in accordance with law. No costs.

N.V.RAMANA,J

2ND JULY, 2004

MDAA/TVK

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To

1 Govt. of A.P., rep. by its Secretary, Revenue Department, Secretariat, Hyderabad.
2 The Special Officer & Competent Authority, Urban Land Ceiling, Vijayawada, Krishna District.
3 Chief Commissioner, Land Administration, Hyderabad.

4..2CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)

5.. 2CD copies

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